

COUNTY OF YORK

MEMORANDUM

DATE: May 18, 2000 (BOS Mtg. 06/20/00)

TO: York County Board of Supervisors

FROM: James E. Barnett, County Attorney

SUBJECT: Proposed Amendment to County Code Section 16-7

The 2000 General Assembly adopted HB521, which amended Virginia Code § 15.2-1209, the state code section that authorizes counties to prohibit the discharge of firearms in designated areas. That state code section is the authorization for County Code § 16-7, which prohibits the discharge of firearms within 300 feet of certain subdivisions or other designated areas of the County.

The General Assembly's amendment to Virginia Code § 15.2-1209 requires that any county prohibiting the firing of firearms pursuant to that section shall provide an exemption for the killing of deer on land of at least five acres and zoned for agricultural use with a kill permit from the Virginia Department of Game and Inland Fisheries. Consequently, I have proposed an amendment to the County Code which incorporates the recent amendment to Virginia Code § 15.2-1209. York County does not have an agricultural zone, but crop and livestock farming is permitted as a use of right in the RC, RR, IL, and IG zones. For that reason, I have drafted the amendment so that the exception for deer killing will apply within those zones.

I have included language in the proposed amendment clarifying that nothing in this amendment would effect the application of York County Code § 16-37, which prohibits the discharge of rifles of any caliber larger than .22 rimfire throughout the County, with certain exceptions not related to deer hunting, with or without a VGIF kill permit. Consequently, any hunting authorized by the proposed amendment to County Code § 16-7 will have to be conducted with shotguns or, of course, with bow and arrows, or other weapons which fall outside the definition of firearms or air operated or gas operated weapons. There was no legislation adopted by the 2000 General Assembly requiring any sort of deer hunting exception to Virginia Code § 29-1.528, which is the statutory authority for County Code § 16-37.

Although the County's Zoning Administrator advises me that there are few parcels of land on which the discharge of firearms is prohibited by County Code § 16-7, which are both at least five acres in size and appropriately zoned to be able to benefit from the Code amendment, there may be at least a few parcels at present, and there could be more such

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parcels in the future as a result of rezonings or conglomerations of existing parcels. In any event, the requirement for the limited exemption for deer hunting appears to be mandatory, even in jurisdictions where there may be no parcels at all to benefit.

Barnett/3340:swh

Attachment